

THE HON'BLE SRI JUSTICE SANJAY KUMAR

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WRIT PETITION No.14178 of 2016

ORDER:

Heard Ms. B. V. Aparna Lakshmi, learned counsel for the petitioners, and Ms. Pingali Lakshmi, learned Standing Counsel for the Greater Warangal Municipal Corporation.

The prayer of the petitioners in this case is as under:

"It is prayed that this Hon'ble Court may be pleased to issue a writ, order or direction, more particularly, one in the nature of Writ of Mandamus, declaring the action of the Respondents No. 2 to 4 in issuing the Rejection Memo in R.O.C.No. G1/14598/2016, dated 12-04-2016, referring to the draft Master Plan as illegal, arbitrary, unconstitutional, discriminatory and contrary to the provisions of the Greater Hyderabad Municipal Corporation Act, 1955 and the Rules made thereunder and set aside the same, and consequently praying this Hon'ble Court to direct the respondents to grant the building permission for the petitioners' plot, vide Application dated 29-02-2016, and pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case."

By the impugned Memo dated 12.04.2016, the application dated 29.02.2016 filed by the petitioners for construction of building/compound wall was rejected placing reliance on a draft master plan, wherein it was stated that 150' wide road was shown and the petitioners should file the revised plan.

Learned counsel appearing for the parties state that the issue arising in this writ petition is squarely covered by the decision rendered by this Court in W.P.No.10456 of 2014, wherein it was observed that as long as a final notification was not issued and the master plan was still at the draft stage, it cannot be said to have come into force and the petitioners therein was entitled to have their application considered in accordance with the existing master plan and accordingly set aside the impugned endorsement. A copy of the order dated 11.04.2014 passed in the said writ petition is also placed on record.

For reasons alike as were stated in the afore-stated order and in

terms thereof, the writ petition is disposed of permitting the petitioners to resubmit their application for construction of building / compound wall. Within four weeks from the date of submission of application by the petitioners, respondent Nos.3 and 4 shall consider the same in accordance with law, including the provisions of the Greater Hyderabad Municipal Corporation Act, 1955, and the Rules and Bye-laws made thereunder and take a decision thereon and duly communicate the same to the petitioners.

Pending miscellaneous petitions, if any, shall stand closed in the light of this final order. No order as to costs.

JUSTICE SANJAY KUMAR

Date:26.04.2016

GJ/PGS